

REMARKS

This responds to the Office Action mailed on September 28, 2006.

Claims 1, 15, 20-22, 24 and 28 are amended, claims 2-4 and 29-31 are canceled, and no claims are added; as a result, claims 1, 5-28 and 32-36 remain pending in this application.

Claims 1, 20-22 and 28 have been amended to more particularly describe the inventive subject matter. The amendments to claims 15 and 24 correct minor typographical errors and are not in response to an art based rejection.

§112 Rejection of the Claims

Claims 24-25 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicant has amended claim 24 as suggested in the Office Action to remove an extraneous “an” from the claim. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 24-25 under 35 U.S.C. § 112.

§102 Rejection of the Claims

Claims 1, 4-9, 20-22, 28, 31 and 34-36 were rejected under 35 U.S.C. § 102(e) for anticipation by Millman (U.S. 6,476,800B2). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Applicant respectfully submits that Millman does not anticipate the claims because Millman does not teach each and every element of the claims as amended.

For example, claims 1 and 28 as amended recite “changing a display update property for a video display in response to the power management event, the display update property comprising at least one of a screen resolution or a pixel depth.” In paragraph 5 of the Office

Action, the Office Action correctly states that Millman does not teach “changing the screen resolution or the pixel depth ...” Thus Millman does not teach each and every element of claims 1 and 28 as amended. As a result, Millman does not anticipate claims 1 and 28. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1 and 28.

Claims 4 and 31 have been canceled without prejudice or disclaimer, therefore the rejection of claims 4 and 31 will not be addressed in this response.

Claims 5-9 depend either directly or indirectly from claim 1, and claims 34-36 depend either directly or indirectly from claim 28. These dependent claims inherit the elements of their respective base claims 1 and 28 respectively, and are therefore not anticipated for the same reasons as discussed above with respect to base claims 1 and 28.

Further, with respect to claims 7-8 and 34-35, each of claims 7-8 and 34-35 recites updating a display update property when a battery power level crosses a predetermined threshold. Applicant has reviewed Millman and can find no disclosure of using a battery power level to determine if a display update property should be increased or decreased. As a result, Millman does not teach each and every element of claims 7-8 and 34-35. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 7-8 and 34-35.

Additionally, with respect to claims 9 and 36, each of claims 9 and 36 recites “determining if a policy exists for the power management event and wherein changing the display update property includes changing the display update property in accordance with the policy.” Applicant has reviewed Millman, including performing a computerized text search, and can find no reference to changing a display update property in accordance with a power management policy. As a result, Millman does not teach each and every element of claims 9 and 36. Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 20-22 as amended recite a system that is operable to change a pixel depth in response to a power management event. As discussed above, Millman does not teach changing a pixel depth in response to a power management event. Therefore Millman does not teach each and every element of claims 20-22 as amended. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 20-22.

§103 Rejection of the Claims

Claims 2-3, 10-19, 23-27, 29-30 and 32-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Millman in view of Bril (U.S. 6,078,319). In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully traverses the rejection because the claims contain elements not found in the combination of Millman and Bril, and further because there is no motivation to combine Millman and Bril.

Claims 2-3 and claims 29-30 have been canceled without prejudice or disclaimer in this response and are therefore not addressed in this response.

An example of at least one element not found in the combination of Millman and Bril occurs in claim 10, which recites a system that is operable to "change the screen resolution in response to the power management event." Similarly, claim 23 recites a graphics controller that is operable to "change a screen resolution for a video display refreshed from the frame buffer in response to the power management event." The Office Action correctly states that Millman does not teach the recited language. However, the Office Action attempts to make up for the deficiency in Millman by stating that Bril, at column 4, lines 41-67 and columns 5-6 teaches changing a screen resolution. Applicant respectfully disagrees with this interpretation of Bril. Bril does not teach changing a screen resolution in response to a power management event. Rather, the cited section, and Bril as a whole, teaches switching a voltage to the lowest voltage that may be provided that will allow the system to operate. For example, Bril at column 4, lines 52-59, states "logical circuitry may compare this mode or resolution and pixel depth to modes and resolutions stored in its internal table and output logic signal 199 indicating which core voltage level is sufficient to support modes or resolution and pixel depth." Thus rather than

switching screen resolution or pixel depth, it is clear that Bril is switching a voltage to support a current setting of a screen resolution or pixel depth. As a result, neither Bril nor Millman, alone or in combination, teach or suggest each and every element of Applicant's claims 10 and 23.

Thus claims 10 and 23 are not obvious in view of the combination of Millman and Bril.

Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 10 and 23.

Claims 11-19 and claims 24-27 depend either directly or indirectly from claims 10 and 23 respectively and are patentable over Millman and Bril for the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03.

Further, claims 15 and 16 recite updating a display update property when a battery power level crosses a predetermined threshold. As discussed above, Millman does not teach or suggest the recited language. Applicant has reviewed Bril and can find no disclosure of using a battery power level to determine if a display update property should be increased or decreased. As a result, the combination of Millman and Bril does not teach or suggest each and every element of claims 15-16. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 15-16.

Additionally, claim 17 recites that the system "is further operable to determine if a policy exists for the power management event and wherein the processor is operable to change the screen resolution in accordance with the policy." As discussed above, Millman does not teach or suggest the recited language. Further, Applicant has reviewed Bril and can find no teaching of using a policy to when a power management event should result in a display property update. As a result, the combination of Millman and Bril does not teach or suggest each and every element of claim 17. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 17.

Claims 32-33 depend from claim 28, and recite decreasing or increasing a display update property including a screen resolution or pixel depth in response to a change between AC and DC power. As argued above, Millman does not teach or suggest such a change. Further, as argued above, Bril does not teach or suggest changing display update properties in response to a

power management event, rather Bril teaches changing a voltage to correspond to a current display configuration. Thus neither Millman nor Bril, alone or in combination, teaches nor suggest each and every element of claims 32-33. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 32-33.

Furthermore, there is no motivation to combine Millman and Bril. A factor cutting against a finding of motivation to combine or modify the prior art is when the prior art teaches away from the claimed combination. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994); *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 484 (1966); *In re Spinnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244 (C.C.P.A. 1969); *In re Caldwell*, 319 F.2d 254, 256, 138 USPQ 243, 245 (C.C.P.A. 1963).

Millman describes changing a refresh rate. Bril describes changing a voltage for a current display configuration. Thus the references teach away from the claimed combination because Bril teaches changing voltage to support a current display configuration rather than changing the configuration itself. Thus Bril teaches away from the claimed combination. As a result, there is no motivation to combine Millman and Bril.

For at least the reasons discussed above, claims 10-19, 23-27 and 32-33 are not obvious in view of the combination of Millman and Bril. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 10-19, 23-27 and 32-33.

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

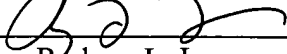
Respectfully submitted,

TERRY M FLETCHER ET AL.

By their Representatives,

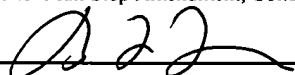
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Date January 29, 2007

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of January 2007.

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